

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

THOMAS BENDER and
EMMETT M. NORDEN,

Plaintiffs,

v.

Case No. 2:05-cv-159
HON. RICHARD ALAN ENSLEN

GERALD RILEY, et al.,

Defendants.

REPORT AND RECOMMENDATION

Plaintiffs Thomas Bender and Emmett Norden filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff Bender has filed correspondence dated August 4, 2005 (Docket #3), which is reproduced herewith:

To Clerk of the Court.

On 7/6/05, I filed a complaint along w/the filing fee.

I'm sorry, but I've made numerous mistakes in facts presented (first name of new warden I got wrong) and under 42 USC 2000-CC(1) (RLUIP) I would have to prove the state receives federal grants for prison to make them comply w/that Act. (I even failed to make that part of my statement of facts).

This whole process is beyond my ability (physically & psycholcally [sic]).

Just forget (dismiss my claim).

In his original complaint, plaintiff Bender stated that he was filing this complaint on behalf of himself and plaintiff Norden.

It is recommended that plaintiff Bender's request be granted and this complaint be DISMISSED in its entirety, without prejudice.

NOTICE TO PARTIES: Objections to this Report and Recommendation must be served on opposing parties and filed with the Clerk of the Court within ten (10) days of receipt of this Report and Recommendation. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); W.D. Mich. LCivR 72.3. Failure to file timely objections constitutes a waiver of any further right to appeal. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). *See also Thomas v. Arn*, 474 U.S. 140 (1985).

/s/ Timothy P. Greeley
TIMOTHY P. GREELEY
UNITED STATES MAGISTRATE JUDGE

Dated: August 23, 2005